

*[Handwritten signature]*



**UNITED STATES DEPARTMENT OF COMMERCE**  
**United States Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

*[Handwritten signature]*

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/276,056    03/25/99    BLACK

D    10360/014001

┌

TM02/0619

└

EXAMINER
----------

DENIS G MALONEY  
FISH & RICHARDSON  
225 FRANKLIN STREET  
BOSTON MA 02110-2804

FLEURANTIN, J	
ART UNIT	PAPER NUMBER

2172

DATE MAILED:

06/19/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

*[Handwritten signature]*

# Office Action Summary

Application No.  
**09/276,056**

Applicant(s)

**Black et al.**

Examiner  
**Jean Bolte Fleurantin**

Art Unit  
**2172**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4 20) ☐ Other:

Art Unit: 2172

### DETAILED ACTION

1. Claims 1-2 are presented for examination.

#### *Drawings*

2. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

#### *Claim Rejections - 35 U.S.C. § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reeder (U.S. Pat. No. 5,852,812).

As per claim 1, Reeder substantially teaches a method of transmitting accounting records in an accounting system as claimed, comprises collecting data by a data collector associated with a network device and to produce normalized accounting records from the data (thus, the export format file has been created and saved to a particular subdirectory on the event collector server it is thereafter imported into an import database in a billing server, now that the export format files have been created they are made available to various processes within the distributed network, the billing server can import the export format files one type of billable event data that might be sent to a billing computer; which is readable as collecting data by a data collector associated with a

Art Unit: 2172

network device and to produce normalized accounting records from the data) (see col. 12, lines 13-22);

transmitting the records to first and second flow aggregation processes, with transmitting further comprising for each flow aggregation process (thus, transmitting the selected local currency price to a credit company, which is readable as transmitting further comprising for each flow aggregation process) (see cols. 2 and 3, lines 66-67 and 1-3): storing in the data collector the normalized records (the event object queues are normally stored in memory within the application server or gateway so that the objects can be rapidly saved to a single file, which is readable as storing in the data collector the normalized records) (see figures 6 and 7, col. 11, lines 20-37);

transmitting the normalized records to the flow aggregation process (thus, the remote data center create objects which are stored into respectively event object queues, the event object queues are normally stored in memory within the application server or gateway so that the objects can be rapidly saved to a single file; which is readable as transmitting the normalized records to the flow aggregation process) (see col. 11, lines 14-25);

determining an error relating to the first flow aggregation process, and causing aggregate reports from the second flow aggregation process to be sent to the accounting module in place of the aggregate reports from the first flow aggregation process (thus, if both the price and number of units are equal to zero at decision state the process continues to wait for billing events to be generated by looping back process, which is readable as determining an error relating to the first flow aggregation process, and causing aggregate reports from the second flow aggregation

Art Unit: 2172

process to be sent to the accounting module in place of the aggregate reports from the first flow aggregation process) (see figure 5, element 216, col. 11, lines 1-4). But, explicitly Reeder does not indicate the step of the awaiting an acknowledgment signal from the flow aggregation process that the flow aggregation process received the records before discarding the records sent to the flow aggregation process; and if the data collector determines that the flow aggregation process is not operating, the data collector; and continuing to collect and store records from the network device for future transmission to that flow aggregation process, if the data collector does not receive an acknowledgment signal in response to transmitting the records to the flow aggregation process. However, implicitly Reeder shows the step of the once a billing event has online statement at state, however if both the price and number of units are equal to zero at decision state the process continue to wait for billing events to be generated by looping, however if either the price or units are greater than zero at decision state and is thereafter posted to the online statement at state charges are accumulated and electronically billed to the customer at state; which is readable as awaiting an acknowledgment signal from the flow aggregation process that the flow aggregation process received the records before discarding the records sent to the flow aggregation process; and if the data collector determines that the flow aggregation process is not operating, the data collector; and continuing to collect and store records from the network device for future transmission to that flow aggregation process, if the data collector does not receive an acknowledgment signal in response to transmitting the records to the flow aggregation process (see figure 5, cols. 10 and 11, lines 58-67 and 1-8). Thus, it would have been obvious to a person

Art Unit: 2172

of ordinary skill in the art at the time the invention was made to modify the teachings of Reeder with the step of the awaiting an acknowledgment signal from the flow aggregation process that the flow aggregation process received the records before discarding the records sent to the flow aggregation process; and if the data collector determines that the flow aggregation process is not operating, the data collector; and continuing to collect and store records from the network device for future transmission to that flow aggregation process, if the data collector does not receive an acknowledgment signal in response to transmitting the records to the flow aggregation process. This modification would allow the teachings of Reeder to provide advantages over prior systems due to the efficiency of handling sets of event objects and set customer billing records, and also advantages relating to its ability to bill customers in their base currency (see col. 4, lines 56-60).

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reeder (U.S. Pat. No. 5,852,812) in view of Wang (U.S. Pat. No. 5,991,746).

As per claim 2, in addition to the discussion in claim 1, Reeder does not explicitly indicate the step of the connected to a plurality of data collectors, wherein the data collectors collect data from network devices, and send the collected data to the first flow aggregation process and dispose of the collected data only after receiving an acknowledgment that the data has been received, with the first flow aggregation process processes the data to generate aggregated records; and a second flow aggregation process, connected to the data collectors, wherein the data collectors send the collected data to the second flow aggregation process, and dispose of the

Art Unit: 2172

collected data only after receiving an acknowledgment that the data has been received, with the second flow aggregation process processes the data to generate aggregated records. However, implicitly Wang shows the step of a plurality of billing collectors at different nodes in the asynchronous transfer node network and a billing center coupled to the asynchronous transfer node network, the data generators monitor the management information base in their respective slots of the asynchronous transfer node switch and particular monitor the contents of tables which contain accounting information (see cols. 2 and 3, lines 44-67 and 1-9). Also, in the abstract, lines 2 through 3; and 21 through 24, Wang teaches a plurality of billing collectors and a billing center couple to the asynchronous transfer node; the billing collectors periodically read the billing data files and convert the data contained therein to a format which is suitable for the billing center. Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Reeder and Wang with the step of the connected to a plurality of data collectors, wherein the data collectors collect data from network devices, and send the collected data to the first flow aggregation process and dispose of the collected data only after receiving an acknowledgment that the data has been received, with the first flow aggregation process processes the data to generate aggregated records; and a second flow aggregation process, connected to the data collectors, wherein the data collectors send the collected data to the second flow aggregation process, and dispose of the collected data only after receiving an acknowledgment that the data has been received, with the second flow aggregation process processes the data to generate aggregated records. This modification would allow the teachings

Art Unit: 2172

of Reeder and Wang to provide different billing centers with a consistent data structure for use in creating customer bills the billing collectors reformat the billing data collected from the data generators in a standardized format for use by different billing centers (see col. 6, lines 5-8).

5 The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Brewer et al. US Patent No. 6,014,691 relates to data collection systems.

*Conclusion*

6. Any inquiry concerning this communication from examiner should be directed to Jean Bolte Fleurantin at (703) 308-6718. The examiner can normally be reached on Monday to Friday from 7:30 A.M. to 6.00 P.M.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Mrs. KIM VU can be reached at (703) 305-8449. The FAX phone number is (703) 305-9731.

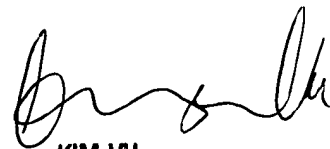
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone is (703) 305-9600.



Jean Bolte Fleurantin

June 14, 2001

JBF/



KIM VU

SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100